

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESale PRICE)	MDL NO. 1456
LITIGATION)	
)	CIVIL ACTION NO. 01-CV-12257-PBS
)	
THIS DOCUMENTS RELATES)	Judge Patti B. Saris
TO ALL CLASS ACTIONS)	
)	


**DEFENDANTS' MOTION TO DISMISS THE AMENDED
MASTER CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Fed. R. Civ. P. 9(b) and 12(b), the Defendants respectfully move this Court jointly for dismissal of all claims against them in the Amended Master Consolidated Class Action Complaint. The grounds for this motion are stated in: (1) the Consolidated Memorandum in Support of Defendants' Motion to Dismiss, in which all Defendants join; and (2) the individual memoranda of law filed by some Defendants, which they have submitted to address issues specific to them or issues which were not included in the Consolidated Memorandum. In accordance with the Court's direction during the hearing held on June 18, 2003, defendants are filing a 40-page Consolidated Memorandum, and the individual memoranda filed by certain defendants do not exceed five pages. Defendants respectfully request that the Court hear oral argument on this motion.

WHEREFORE, for the reasons set forth in the memoranda described above, the Defendants respectfully request that the Court grant their motion to dismiss the claims against them in the Amended Master Consolidated Class Action Complaint and enter an Order:

- a. dismissing all claims in the Amended Master Consolidated Class Action Complaint with prejudice; and
- b. providing such other and further relief as the Court deems just and proper.

Respectfully submitted,
ON BEHALF OF ALL DEFENDANTS

By: 
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Dated: August 1, 2003


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COURT
OF MASS.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on August 1, 2003, a copy to Verilaw Technologies for posting and notification to all parties.


Juliet S. Sorensen

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiffs in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.


Juliet S. Sorensen

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U.S. DISTRICT COURT
DISTRICT OF MASS.